

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

SIMPLEAIR, INC.,
Plaintiff,

v.

ERICSSON INC., et al.
Defendants.

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CIVIL ACTION NO. 2:11-CV-416

JURY TRIAL DEMANDED

**JOINT MOTION TO DISMISS WITHOUT PREJUDICE CLAIMS AND
COUNTERCLAIMS BETWEEN SIMPLEAIR AND ERICSSON**

Plaintiff SimpleAir, Inc. ("SimpleAir") and Defendant Ericsson, Inc. ("Ericsson") respectfully move the Court to dismiss without prejudice (1) SimpleAir's claims against Ericsson and (2) Ericsson's counterclaims against SimpleAir in the above-captioned case. The parties further move that each party shall bear its own costs, expenses, and attorneys' fees.

Date: September 12, 2013

Respectfully submitted,

/s/ John Jeffrey Eichmann

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Respectfully Submitted,

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CERTIFICATE OF SERVICE

I certify that this document was filed electronically pursuant to Local Rule CV-5(a) on September 12, 2013. Pursuant to Local Rule CV-5(a)(3)(A), this electronic filing acts to electronically serve all counsel who have consented to electronic service via the Court's CM/ECF System.

/s/ Hilda C. Galvan